

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

RESOLUTION NO. 2021- 23

A Resolution concerning

CREATION OF THE CHARLES COUNTY POLICE ACCOUNTABILITY BOARD

WHEREAS, Chapter 59 Laws of Maryland 2021, Maryland Police Accountability Act of 2021 - Police Discipline and Law Enforcement Programs and Procedures, (the “Act”), entails various changes to law enforcement activities throughout the State of Maryland, to include significant changes to the police disciplinary process and the repeal of the Law Enforcement Officers Bill of Rights; and

WHEREAS, In accordance with the Act, each county shall establish a police accountability board to: (1) hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing; (2) appoint civilian members to charging committees and trial boards; (3) receive complaints of police misconduct filed by members of the public; (4) on a quarterly basis, review outcomes of disciplinary matters considered by charging committees; and (5) by December 31 each year, submit a report to the governing body of the county that identifies any trends in the disciplinary process of police officers in the county and makes recommendations on changes to policy that would improve police accountability in the county; and

WHEREAS, the Act further requires that the governing body of each county: (1) establish the membership of a police accountability board, (2) establish the budget and staff for a police accountability board, (3) appoint a chair of the police accountability board who has relevant experience to the position, and (4) establish the procedures for record keeping by a police accountability board; and

WHEREAS, pursuant to the Act, an active police officer may not be a member of a police accountability board; and

WHEREAS, pursuant to the Act, to the extent practicable, the membership of the police accountability board shall reflect the racial, gender, and cultural diversity of the county; and

WHEREAS, the Act establishes required content for filing a complaint of misconduct against a police officer by the public; and

WHEREAS, the Act does not address complaints of misconduct against a police officer by another police officer; and

WHEREAS, the Board of County Commissioners desire to conform to the requirements of the Act, which becomes effective July 1, 2022.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners that there shall be a Charles County Police Accountability Board (“CCPAB”) applicable to countywide law enforcement agencies and local law enforcement agencies within the

County in accordance with the following:

A. CCPAB Charge:

1. Hold meetings, not less than quarterly, with heads of law enforcement agencies and otherwise work with law enforcement agencies and the county government to improve matters of policing.
2. Appoint civilian members to charging committees and trial boards as described in the Act.
3. Receive complaints of police misconduct filed by members of the public;
4. On at least a quarterly basis, review outcomes of disciplinary matters considered by charging committees.
5. By December 31 each year, submit a report to the County Commissioners that identifies any trends in the disciplinary process of police officers in Charles County, and includes recommendations on changes to policy that would improve police accountability in Charles County.

B. CCPAB Membership:

1. The Board of County Commissioners shall appoint nine (9) members to the CCPAB.
2. Two (2) members shall reside in each of Charles County's four (4) Commissioner Districts, and one (1) member may reside in any Commissioner District.
3. To the extent practicable, the membership of the CCPAB shall reflect the racial, gender, and cultural diversity of the County.
4. An active police officer may not be a member of the CCPAB.
5. The County Commissioners shall annually appoint a Chairperson from the existing membership of the CCPAB. The Chairperson shall have extensive knowledge of police practices and professional experience interacting with the criminal justice system.

C. Membership Qualifications:

1. All members shall be bound by the Charles County Code of Ethics, Ch.170, as amended from time to time.
2. All members of the CCPAB shall have a criminal history background check performed prior to appointment.
3. An applicant convicted of a felony shall be deemed ineligible for appointment. Members that become convicted of a felony during their term as a member shall report the same to the Board of County Commissioners and shall resign or be subject to removal if such member fails to resign.
4. An applicant convicted of any of the following misdemeanors within a period of fifteen (15) years prior to applying for membership to the CCPAB shall be deemed ineligible for appointment: a.) conviction of a misdemeanor that carries a maximum penalty of greater than one (1) year; b.) crime of violence; or c.) perjury.
5. An applicant is ineligible for appointment to the CCPAB while subject to an order of probation before judgment, whether supervised or unsupervised.
6. All applicants shall be a resident of Charles County for at least six (6) consecutive months immediately prior to applying for membership to the

CCPAB.

7. All members shall be registered voters of the County.
8. All members shall have a demonstrated commitment to just and fair outcomes, as well as respect and adherence for established processes and procedures in a professional setting.

D. Membership Term:

1. Members serve a term of four (4) years.
2. Notwithstanding Section D.1., membership on the inaugural board shall be staggered as follows:
 - a. Three (3) members, to include the Chairperson, will serve an initial term of four (4) years;
 - b. Two (2) members shall serve an initial term of three (3) years;
 - c. Two (2) members shall serve an initial term of two (2) years; and
 - d. The remaining two (2) members shall serve an initial term of one (1) year.
3. At the expiration of a term, members shall continue to serve until a successor is appointed.
4. Members may be reappointed for one (1) additional consecutive four (4) year term.

E. Member Compensation:

1. If budgeted by the Board of County Commissioners, each member of the CCPAB may receive an annual stipend, as may be increased or decreased on an annual basis, and no other compensation whatsoever.

F. Member Resignation & Removal:

1. Any member may resign at any time by providing written notice to the Board of County Commissioners.
2. By a majority vote, the Board of County Commissioners may remove any member on its own initiative or based on recommendation of a majority vote of the CCPAB, if removal is found by the Board of County Commissioners to be in the best interest of the CCPAB.

G. Budget:

1. The Board of County Commissioners shall approve a budget for the CCPAB that may include:
 - a. Funding for member stipends;
 - b. Studies related to policing policy;
 - c. Contracted administrative support and legal services;
 - d. Office supplies; and
 - e. Any other expenditure approved by the Board of County Commissioners in furtherance of the charge of the CCPAB.

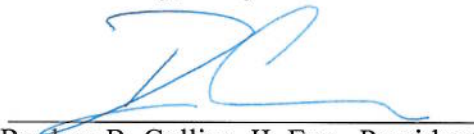
H. Board Practices & Procedure:

1. Members of the CCPAB shall maintain confidentiality relating to any complaints of misconduct until final disposition of the matter.
2. Members of the CCPAB shall comply with the Maryland Open Meetings Act, Md. Ann. Code, General Provisions Art., §3-101, et seq., as amended

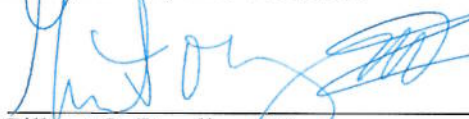
- hereafter from time to time.
3. Chairperson of the CCPAB shall be the custodian of all records in possession of the CCPAB and all records shall be deposited and secured by the Office of the County Attorney. Records shall be accessible to the public in accordance with the Maryland Public Information Act Md. Code Ann., Gen. Prov. ("GP") §§ 4-101 et seq., as amended hereafter from time to time.
 4. The CCPAB shall draft its Bylaws and Rules of Procedure as the initial task of the CCPAB, which shall include provisions of Section H.1 through H.3 of this resolution, and any other provisions of this resolution as determined by the CCPAB. The initial Bylaws and Rules of Procedure, as well as any subsequent amendments, are subject to approval by the Board of Commissioners.

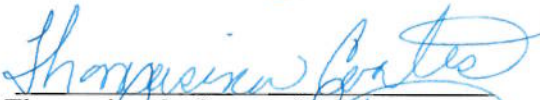
ADOPTED this 7th day of December, 2021.

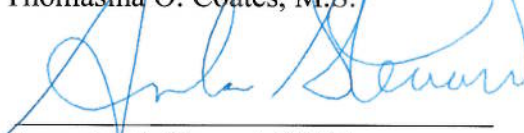
County Commissioners of
Charles County, Maryland


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ATTEST:


Carol DeSoto, Clerk to the Commissioners